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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,935	08/27/2003	Rens Hansort	092301-9007	4109
23510	7590	02/10/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP ONE SOUTH PINCKNEY STREET P O BOX 1806 MADISON, WI 53701			MANAF, ABDUL	
			ART UNIT	PAPER NUMBER
			3635	
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,935	HANSORT, RENS	
	Examiner	Art Unit	
	Abdul Manaf	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| ✓ 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/07/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to amendment filed on July 27, 2005.

Claim Rejections - 35 USC § 103

Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent No. 6,729,079 to Francies, III et al in view of the U.S. Patent No. Des. 354,905 to Fitzmyers et al.

Regarding claim 1, Francies discloses a concrete anchor (Fig. 15) comprising a bar having a top, a bottom, an upper end, a lower end, a first side, a second side, a front face, a rear face, a first aperture.

While Francies disclose a concrete anchor bar having a flat profile, Francies does not disclose the bar comprising a frontward protruding curved section and a rearward protruding curved section, the frontward protruding curved section and the rearward protruding curved section positioned to define a curved profile in the bar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section and a rearward protruding curved section embedded in a concrete block for more shear-resistance in order to prevent anchor from slipping out of a concrete block.

Regarding claim 2, Francies discloses a concrete anchor bar (Fig. 15 - 23) comprising a second aperture.

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Regarding claim 3, Francies discloses a concrete anchor bar (Fig. 15 - 23) where the top of the bar comprises a first apex section, a first upwardly projecting face, a top platform section, a second upwardly projecting face, and a second apex section.

Regarding claim 4, Francies discloses a concrete anchor bar (Fig. 15 - 23) where the top of the bar comprises a first apex section, a first upwardly projecting face, a top platform section, a second upwardly projecting face, and a second apex section all of which define an attachment region of the anchor.

Regarding claim 5, Francies discloses a concrete anchor bar (Fig. 15 - 23) where the bottom of the bar further comprises a first upwardly projecting face, a bottom platform section, and a second upwardly projecting face.

Regarding claim 6, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose the bar comprising a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar for embedding in a concrete block to gain more shear-resistance in order

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to prevent anchor from slipping out of a concrete block while a force is applied on the anchor.

Regarding claim 7, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose the bar having a curved profile comprising an S-shape.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a curved profile comprising an S-shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an S-shaped bend in Francies' bar to gain more shear-resistance in order to prevent anchor from slipping out of a concrete block while a is applied on the anchor.

Regarding claim 8, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose a concrete anchor bar comprising a frontward protruding curved section defining a first radius of curvature, and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are the same.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section defining a first radius of curvature and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are the same.

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It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section defining a first radius of curvature and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are the same to gain more shear-resistance in order to prevent anchor from slipping out of a concrete block while a force is applied on the anchor.

Regarding claim 9, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose a concrete anchor bar comprising a frontward protruding curved section and a rearward protruding curved section having the same width and thickness as the bar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor bar comprising a frontward protruding curved section and a rearward protruding curved section having the same width and thickness as the bar in order to embed the anchor bar in a concrete block having a specific shape in order to fit in a wall or roof of a specific shape and design.

Regarding claim 10, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose a concrete anchor bar comprising a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor.

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However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor in Francies' anchor bar in order to prevent anchor from slipping out of a concrete block while a is applied on the anchor.

Regarding claim 11, Francies discloses a concrete anchor (Fig. 15) comprising a bar having a top, a bottom, an upper end, a lower end, a first side, a second side, a front face, a rear face, a first aperture positioned adjacent the upper end of the bar.

While Francies disclose a concrete anchor bar having a flat profile, Francies does not disclose the bar comprising a frontward protruding curved section and a rearward protruding curved section, the frontward protruding curved section and the rearward protruding curved section positioned to define an S-shaped profile in the bar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section positioned to define an S-shaped profile in the bar.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section and a rearward protruding curved section (positioned to define an S-shaped

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profile in the bar) embedded in a concrete block for more shear-resistance in order to prevent anchor from slipping out of a concrete block.

Regarding claim 12, Francies discloses a concrete anchor bar (Fig. 15 - 23) where the top of the bar comprises a first apex section, a first upwardly projecting face, a top platform section, a second upwardly projecting face, and a second apex section.

Regarding claim 13, Francies discloses a concrete anchor bar (Fig. 15 - 23) where the bottom of the bar further comprises a first upwardly projecting face, a bottom platform section, and a second upwardly projecting face.

Regarding claim 14, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose the bar comprising a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section and a rearward protruding curved section positioned adjacent the lower end of the bar for embedding in a concrete block to gain more shear-resistance in order

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to prevent anchor from slipping out of a concrete block while a force is applied on the anchor.

Regarding claim 15, Francies discloses a concrete anchor bar (Fig. 15 - 23) comprising a second aperture.

Regarding claim 16, Francies discloses a concrete anchor bar (Fig. 15 - 23) comprising a first aperture defining an attachment region of the anchor.

Regarding claim 17, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose a concrete anchor bar comprising a frontward protruding curved section defining a first radius of curvature, and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are similar.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section defining a first radius of curvature and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are similar.

It would have been a matter of design choice to one of ordinary skill in the art to have a concrete anchor comprising a frontward protruding curved section defining a first radius of curvature and a rearward protruding curved section defining a second radius of curvature wherein both radiuses of curvature are similar, to gain more shear-resistance in order to prevent anchor from slipping out of a concrete block while a force is applied on the anchor.

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Regarding claim 18, Francies discloses a concrete anchor bar (Fig. 15 - 23).

Francies does not disclose a concrete anchor bar comprising a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor.

However, Fitzmyers discloses a concrete anchor (Fig. 1) having a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a frontward protruding curved section and a rearward protruding curved section wherein both curved sections define a shear-resistant region of the anchor in Francies' anchor bar in order to prevent anchor from slipping out of a concrete block while a load is applied on the anchor.

Response to Arguments/Remarks

Applicant's arguments with respect to claims 1 – 19 have been considered but are moot in view of the new ground(s) of rejection.

In regard to applicant's Remarks (page 2 of 5), Examiner's motivational statement to incorporate applicant's claimed invention into the primary and or secondary references is reasonable (i.e. using a wave profile that is generally S-shaped disclosed in a concrete anchor to incorporate in another concrete anchor bar both embedded in concrete or mortar course). Regarding the Remarks

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(pages 3 – 5), Applicant's arguments are unsustainable. However Francies does not prefer bends, none of the listed patents (Francies, column 1, lines 21 –24) comprise an S-shaped anchor bar.

Also, Francies' concrete anchor is embedded in a concrete block and an aperture is used in the attachment region of the anchor that is same as the applicant's claimed invention, therefore it is appropriate to use Francies as an analogous prior art.

Cited for Interest

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The U.S. Patent No. 5,456,052 to Anderson et al and the U.S. Patent No. 2,724,165 to C.I. Williams are pertinent to the Applicant's claimed invention. Anderson discloses a masonry tie or a concrete anchor bar having a curved profile comprising a continuous S-shape in order to prevent anchor from slipping out of a concrete block while a load is applied on the anchor.

Williams discloses a concrete anchor having a curved profile comprising a continuous S-shape in order to prevent anchor from slipping out of a concrete block while a load is applied on the anchor.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Manaf whose

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telephone number is 571-272-1476. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM

02/02/2006



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